IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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WEDNESDAY, THE TWENTY SECOND DAY OF AUGUST

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

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WP.NO.18752 OF 2005

Between:

Paladugu Kamala … Petitioner

Versus

The Special Officer & Competent Authority,

Urban Land Ceiling,

Guntur,

Guntur district. … Respondents

Counsel for the Petitioner: Mr.G.V.SHIVAJI (4586)

Counsel for the Respondents: GP for Revenue

O R D E R :

This writ petition is filed questioning the action of the respondents in not considering the representation dated 11-12-2002 submitted by the petitioner seeking to allot an extent of 7,631 sq.mts., to the petitioner and her sisters, which was proposed to be surrendered to the Government by the father of the petitioner, who is declarant, on the ground that declaration under section 10 (1) of the Andhra Pradesh (Ceiling & Regulation) Act, 1976 has not been published in AP Gazette and that the possession of surplus land situate in Guntur (v) in survey no.3855/D5 in an extent of 1143-00 sq.mts., survey no.385/A-8 in an extent of 71-00 sq.mts., survey no.385/B-5 in an extent of 1183-00 sq.mts., survey no.385/C-4 in an extent of 742-00 sq.mts., survey no.417/E-A2 in an extent of 2492-00 sq.mts., survey no.417/E-A1 in an extent

of 2000-00 sq.mts., admeasuring 7,631-00 sq.mts., and further to direct the respondent to pass appropriate orders in ULC.No.215/76/B in the light of the judgment of the Hon'ble Supreme Court reported in 2003 (5) ALD-68 and the guidelines of the Government of India in LR.No.3/1/97 UCU, dated 21-5-1997.

It is submitted that the petitioner and her three sisters have together made a representation to the respondent on 11-12-2002 claiming that the petitioner and her three sisters are major daughters of the deceased declarant, who are entitled to equal share in the declarant's property as per the instructions and guidelines of the Government of India in Lr.No.3/1/97 UCU dated 21-5-1997. But the respondent did not consider the claim petition nor gave any reply to the said representation.

The petitioner learnt that the respondent is proceeding to issue notification under section 10 (1) of the Act notifying surplus land in the Gazette without passing statutory order under section 8 (4) of the Act, which is mandatory, as categorically held by this court in a judgment reported in 2001 (2) ALD-696.

Originally the father of the petitioner, late Mr.Nanapaneni Ankineedu filed declaration under section 6 (1) of the Urban Land (Ceiling and Regulation) Act 1976 during his lifetime declaring that the properties held by his family are in Guntur Urban Agglomeration. The properties declared by the father of the petitioner are covered by water tanks, in which fish cultivation is being undertaken. Further the father of the petitioner had stated during the course of enquiry that he had four major married daughters but the respondent did not allow any share to the daughters nor even issued any notice at any stage of the proceedings to any of the daughters

including the petitioner.

Considering the facts and circumstances of the case, without going into the merits or otherwise, I deem it appropriate to dispose of the writ petition at the admission stage directing the respondent to consider the representation dated 11-12-2002 submitted by the petitioner by following section 8 (4) of the Act and the judgment of this court reported in 2001 (2) ALD-696 and pass appropriate order on merits and in accordance with law, within three months, from the date of receipt of a copy of this order, after giving reasonable opportunity of hearing the petitioner.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

AUGUST 24th, 2005. ----------

I s L. ELIPE DHARMA RAO , J.